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Kentucky Oil Technology, N.V. and Defendants  
Peter Besselink and Memory Metal Holland, B.V.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MEMRY CORPORATION,

Plaintiff,

v.

KENTUCKY OIL TECHNOLOGY, N.V.,  
PETER BESSELINK, MEMORY METALS  
HOLLAND, B.V.,

Defendants.

KENTUCKY OIL TECHNOLOGY, N.V.,

Counterclaimant,

v.

MEMRY CORPORATION and  
SCHLUMBERGER TECHNOLOGY  
CORPORATION,

Counterdefendants.

Case No. CV 04-03843 RMW (HRL)

**STIPULATION AND  
ORDER CONTINUING CERTAIN  
PRETRIAL DEADLINES BECAUSE OF  
EMERGENCY UNAVAILABILITY; ORDER  
CONTINUING PRETRIAL DATE TO  
NOVEMBER 8, 2007**

Date: November 1, 2007  
Time: 2:00 p.m.  
Ctrm.: 6

The Honorable Ronald M. Whyte, District  
Judge

1 WHEREAS the Pretrial Conference in this case is set for November 1, 2007;

2 WHEREAS, under the Court's Standing Order Re: Pretrial Preparation ("Standing  
3 Order"): (1) oppositions to motions *in limine*, (2) objections to the use of deposition excerpts or  
4 other discovery responses, (3) counter-designations, and (4) objections to voir dire, proposed  
5 findings, verdict forms or the authenticity or admissibility of any trial exhibits are to be served and  
6 filed or lodged not less than five court days prior to the Pretrial Conference, on or before October  
7 25, 2006;

8 WHEREAS, under this Court's May 25, 2007 Order, the Joint Pretrial Statement is to be  
9 filed on October 26, 2007;

10 WHEREAS, one of the two primary trial counsel for defendant and counterclaimant  
11 Kentucky Oil Technology, N.V. ("Kentucky Oil") in this action, Nicola A. Pisano, and his family  
12 were required to evacuate their home in Rancho Santa Fe, California early on the morning of  
13 October 22, 2007 because of the fires in San Diego County, and the Del Mar office of Jones Day  
14 where Mr. Pisano practices law has been closed since that date;

15 WHEREAS, as a result of the evacuation, Mr. Pisano has been unable to work on this case  
16 since the afternoon of October 21, 2007 and remains unable to work on the case;

17 WHEREAS, Kentucky Oil will therefore be unable to complete the work necessary to  
18 timely file, lodge and serve all of the documents required under the Standing Order;

19 WHEREAS, counterdefendant Schlumberger Technology Corporation ("Schlumberger") is  
20 willing to agree to extend these deadlines as an accommodation;

21 WHEREAS, Kentucky Oil is willing to extend reciprocal courtesies to Schlumberger; and

22 WHEREAS, plaintiff and counterdefendant Memry Corporation does not agree to extend  
23 any pre-trial deadlines;

24 IT IS HEREBY STIPULATED, by and between Kentucky Oil and Schlumberger, by and  
25 through their respective counsel of record:

26 1. Kentucky Oil's oppositions to Schlumberger's motions *in limine* and  
27 Schlumberger's oppositions to Kentucky Oil's motions *in limine* may be filed October 29, 2007,  
28 rather than on October 25, 2007;

2. The following documents to be filed and served by Kentucky Oil and Schlumberger may be filed and served October 29, 2007 rather than October 25, 2007:

- a. Objections to the use of deposition excerpts or other discovery responses;
- b. Counter-designations;
- c. Objections to proposed voir dire, proposed findings, proposed verdict forms, or to the authenticity or admissibility of any trial exhibits; and

3. The parties' Joint Pretrial Statement may be filed on October 29, 2007 rather than October 26, 2007.

DATED: October 24, 2007

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

By: /s/ Michael H. Bierman

Michael H. Bierman  
Attorneys for Defendant and Counterclaimant  
Kentucky Oil Technology, N.V. and Defendants  
Peter Besselink and Memory Metal Holland, B.V.

DATED: October 24, 2007

FOLEY & LARDNER LLP

By: /s/ Eileen R. Ridley

Eileen R. Ridley  
Foley & Lardner, LLP  
Attorneys for Counterdefendant  
Schlumberger Technology Corporation.

ORDER

GOOD CAUSE APPEARING, it is ordered that:

1. Kentucky Oil's oppositions to Schlumberger's motions in limine and Schlumberger's oppositions to Kentucky Oil's motions in limine may be filed October 29, 2007, rather than October 25, 2007.

2. The following documents to be filed and served by Kentucky Oil and Schlumberger may be filed and served October 29, 2007 rather than October 25, 2007:

a. Objections to the use of deposition excerpts or other discovery responses;

b. Counter-designations; and

c. Objections to proposed voir dire, proposed findings, proposed verdict forms, or to the authenticity or admissibility of any trial exhibits.

3. The parties joint pre-trial statement may be filed October 29, 2007 rather than October 26, 2007.

4. The court requires time to review these pretrial materials and thus continues the pretrial conference date to Thursday, November 8, 2007 at 2:00 p.m. The trial date remains as scheduled.

DATED: October 25, 2007

By: Ronald M. Whyte  
Ronald M. Whyte  
Judge, United States District Court

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